



Rep. William "Will" Davis

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10400HB2961ham001

LRB104 09927 SPS 23933 a

1 AMENDMENT TO HOUSE BILL 2961

2 AMENDMENT NO. _____. Amend House Bill 2961 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Best
5 Interest of the State Act.

6 Section 5. Findings and Purpose.

7 (a) The purpose of this Act is to:

8 (1) ensure that construction projects in Illinois
9 require project labor agreements that provide access to
10 minorities, women, veterans, and persons with
11 disabilities; and

12 (2) improve access to apprenticeships and construction
13 employment for workers in rural areas and workers from
14 groups traditionally underrepresented in the construction
15 industry, including minorities, women, veterans, and
16 persons with disabilities.

1 (b) The General Assembly finds and declares the following:

2 (1) Construction workers are highly skilled
3 professionals and should be afforded all the benefits of a
4 high-quality job, including competitive pay, job security,
5 advancement opportunities, and fully funded benefits,
6 including healthcare benefits, work-family benefits, and
7 retirement benefits.

8 (2) It is in the best interest of this State's
9 construction workforce to ensure that workers have equal
10 access to apprenticeships in the construction industry,
11 regardless of where they live, and to ensure that
12 employers subject to project labor agreements are making
13 efforts in good faith to use local workers on construction
14 projects.

15 (3) It is in the best interest of this State's
16 construction workforce, including current and future
17 apprentices, for workers employed on public works projects
18 to reflect the demographic makeup of the community in
19 which the project is taking place.

20 (4) It is in the best interest of this State and all of
21 the residents of this State for the General Assembly to
22 adopt policies that provide opportunity for all workers,
23 regardless of race, geographic location, creed, or gender
24 to participate in the construction workforce.

25 Section 10. Definitions. As used in this Act:

1 "Collective bargaining unit" means a labor organization
2 that provides workers to a construction project.

3 "Commission" means the Commission on Equity and Inclusion.

4 "Demographic makeup" means the determination of the
5 demographic makeup of a county made by the Commission as set
6 forth in Section 25.

7 "Individuals with barriers to employment" means a person
8 who (i) has been released from incarceration by the Department
9 of Corrections or a county or local law enforcement authority;
10 (ii) does not have a high school diploma or equivalent; (iii)
11 demonstrates few marketable abilities or skills for
12 employment; or (iv) has no prior job-seeking skills.

13 "Labor organization" has the meaning set forth in 29
14 U.S.C. 152.

15 "Project labor agreement" means an agreement that meets
16 the content requirements set forth in Section 25 of the
17 Project Labor Agreements Act. "Project labor agreement" also
18 includes any construction project that requires the use of a
19 project labor agreement under State law.

20 Section 15. Project labor agreement requirements. Any
21 collective bargaining unit, contractor, or subcontractor
22 participating in a project labor agreement shall satisfy the
23 following requirements to promote parity statewide in
24 consideration of racial and demographic makeup, and adherence
25 to training and safety standards:

1 (1) employees performing work at the construction
2 project subject to a project labor agreement shall have
3 completed OSHA 10 Safety Training;

4 (2) any collective bargaining unit, contractor, or
5 subcontractor subject to the project labor agreement shall
6 provide or participate in a program that provides
7 pre-apprenticeship training programs exclusively for
8 Illinois residents who are individuals with barriers to
9 employment and that partners with an office of a local
10 workforce investment area designated by the Department of
11 Commerce and Economic Opportunity or a community-based
12 organization;

13 (3) any collective bargaining unit participating in a
14 project labor agreement shall, 180 days after the
15 effective date of this Act, provide at least (i) 10% of the
16 workers to the project who meet the definitions under
17 Section 2 of the Business Enterprise for Minorities,
18 Women, and Persons with Disabilities Act and Section 10 of
19 the Veterans Preference in Private Employment Act or (ii)
20 a percentage of workers to the project who reflect the
21 demographic makeup of the county where the project is
22 located based on the determination made by the Commission
23 as set forth in Section 25;

24 (4) any collective bargaining unit participating in a
25 project labor agreement, on or after January 1, 2026,
26 shall provide at least (i) 15% of the workers to the

1 project who meet the definition under Section 2 of the
2 Business Enterprise for Minorities, Women, and Persons
3 with Disabilities Act and Section 10 of the Veterans
4 Preference in Private Employment Act or (ii) a percentage
5 of workers to the project who reflect the demographic
6 makeup of the county where the project is located based on
7 the determination made by the Commission as set forth in
8 Section 25;

9 (5) any contractor or subcontractor participating in a
10 project labor agreement shall, 180 days after the
11 effective date of this Act, employ at least (i) 10% of its
12 workforce who meet the definition under Section 2 of the
13 Business Enterprise for Minorities, Women, and Persons
14 with Disabilities Act and Section 10 of the Veterans
15 Preference in Private Employment Act or (ii) a percentage
16 of its employees who reflect the demographic makeup of the
17 county where the project is located based on the
18 determination made by the Commission as set forth in
19 Section 25;

20 (6) any contractor or subcontractor participating in a
21 project labor agreement shall, on or after January 1,
22 2026, employ at least (i) 15% of its employees who meet the
23 definition under Section 2 of the Business Enterprise for
24 Minorities, Women, and Persons with Disabilities and
25 Section 10 of the Veterans Preference in Private
26 Employment Act or (ii) a percentage of its employees who

1 reflect the demographic makeup of the county where the
2 project is located based on the determination made by the
3 Commission as set forth in Section 25;

4 (7) any collective bargaining unit subject to a
5 project labor agreement shall provide to its members a
6 health and benefit plan that is in compliance with the
7 federal Employee Retirement Income Security Act of 1974
8 and that is not listed on the U.S. Department of Labor's
9 multiple employer pension plan list as critical and
10 declining status, critical status, or endangered status;
11 and

12 (8) any contractor or subcontractor subject to a
13 project labor agreement shall provide to its employees
14 health insurance and a retirement plan that is in
15 compliance with the federal Employee Retirement Income
16 Security Act of 1974 and that is not listed on the U.S.
17 Department of Labor's multiple employer pension plan list
18 as critical and declining status, critical status, or
19 endangered status.

20 Section 20. Prequalification.

21 (a) Any collective bargaining unit, contractor, and
22 subcontractor may prequalify with the Commission by indicating
23 in writing that the collective bargaining, contractor, or
24 subcontractor meets all the requirements of Section 15 and is
25 not currently debarred under the Prevailing Wage Act. A

1 prequalified collective bargaining unit, contractor, or
2 subcontractor shall:

3 (1) be allowed to provide and hire its own workers for
4 the project;

5 (2) be allowed to fund its own health and welfare
6 benefits of its employees and shall only be liable for any
7 health and welfare benefits required by a collective
8 bargaining unit for members of the collective bargaining
9 unit used by the contractor or subcontractor under the
10 project labor agreement; and

11 (3) only be required to meet the terms of the project
12 labor agreement during the project and not held signatory
13 to a collective bargaining agreement once the contractor
14 or subcontractor has completed its work on the project.

15 (b) A collective bargaining unit, contractor, or
16 subcontractor shall remain prequalified for a period of one
17 year after the date of approval by the Commission.

18 Section 25. Determination of demographic makeup.

19 (a) The Commission shall determine for each county in this
20 State the demographic makeup of each county by using the most
21 recent federal census data. The Commission shall post on its
22 website its determination of the demographic makeup of each
23 county of this State.

24 (b) The Commission shall include in its determination of
25 the demographic makeup of each county (i) minority persons, as

1 that term is defined in the Business Enterprise for
2 Minorities, Women, and Persons with Disabilities Act; (ii)
3 veterans, as that term is defined in the Veterans Preference
4 in Private Employment Act; and (iii) persons who are located
5 in rural or similarly situated geographic regions of this
6 State.

7 Section 30. Complaints and appeals.

8 (a) A collective bargaining unit, contractor, or
9 subcontractor that believes a collective bargaining unit,
10 contractor, or subcontractor subject to a project labor
11 agreement does not satisfy the requirements of Section 15 may
12 file a complaint with the Commission.

13 (b) A collective bargaining unit, contractor, or
14 subcontractor that the Commission determines has not satisfied
15 the requirements set forth in Section 15 may file an appeal of
16 the determination with the Commission.

17 (c) Any collective bargaining unit, contractor, or
18 subcontractor determined to not be in compliance with this Act
19 shall be prohibited from participating in a project labor
20 agreement until it shows by a preponderance of the evidence
21 that it is in compliance with this Act.

22 Section 35. Remediation fee.

23 (a) A collective bargaining unit, contractor, or
24 subcontractor determined to not be in compliance with

1 paragraphs (3), (4), (5), or (6) of subsection (b) of Section
2 15 shall pay to the Commission a remediation fee equal to the
3 number of hours worked that failed to meet the employment
4 guideline times the prevailing wage of the trade or trades.
5 The Commission shall determine the remediation fee amount by
6 using the certified payroll filed with the Department of Labor
7 for the project.

8 (b) A collective bargaining unit, contractor or
9 subcontractor determined not to be in compliance with
10 paragraphs (3), (4), (5), or (6) of subsection (b) of Section
11 15 shall pay to the Commission a remediation fee, not to exceed
12 \$5,000 for each violation for each employee affected.

13 (c) Any funds collected by the Commission under this Act
14 shall be deposited into the Local Construction Training and
15 Development Fund.

16 Section 40. The Local Construction Training and
17 Development Fund. The Local Construction Training and
18 Development Fund is created as a special fund in the State
19 treasury for the purpose of receiving moneys in accordance
20 with subsection (c) of Section 35. Moneys in the fund shall be
21 used by the Commission to:

22 (1) implement and enforce this Act; and

23 (2) award grants to support:

24 (A) local construction workforce training programs
25 that are approved and registered by the U.S.

1 Department of Labor and are recognized by the
2 Department of Commerce and Economic Opportunity; and
3 (B) construction projects aimed at repurposing,
4 redeveloping, or revitalizing nonperforming or
5 underutilized real estate assets for the purpose of
6 creating affordable workforce housing.

7 Section 45. Rulemaking. The Commission shall adopt any
8 rules necessary for the implementation and enforcement of this
9 Act, including procedures for hearings on issues of compliance
10 with this Act.

11 Section 90. The State Finance Act is amended by adding
12 Section 5.1030 as follows:

13 (30 ILCS 105/5.1030 new)

14 Sec. 5.1030. The Local Construction Training and
15 Development Fund.

16 Section 95. The Project Labor Agreements Act is amended by
17 changing Section 35 as follows:

18 (30 ILCS 571/35)

19 Sec. 35. Compliance. All State departments, agencies,
20 authorities, boards, and instrumentalities shall ensure that
21 all public works projects are implemented in a manner

1 consistent with the terms of this Act and are in full
2 compliance with all statutes, regulations, and Executive
3 Orders, including the Best Interest of the State Act.

4 (Source: P.A. 97-199, eff. 7-27-11.)

5 Section 100. The Commission on Equity and Inclusion Act is
6 amended by changing Section 40-10 as follows:

7 (30 ILCS 574/40-10)

8 (Text of Section before amendment by P.A. 103-961)

9 Sec. 40-10. Powers and duties. In addition to the other
10 powers and duties which may be prescribed in this Act or
11 elsewhere, the Commission shall have the following powers and
12 duties:

13 (1) The Commission shall have a role in all State and
14 university procurement by facilitating and streamlining
15 communications between the Business Enterprise Council for
16 Minorities, Women, and Persons with Disabilities, the
17 purchasing entities, the Chief Procurement Officers, and
18 others.

19 (2) The Commission may create a scoring evaluation for
20 State agency directors, public university presidents and
21 chancellors, and public community college presidents. The
22 scoring shall be based on the following 3 principles: (i)
23 increasing capacity; (ii) growing revenue; and (iii)
24 enhancing credentials. These principles should be the

1 foundation of the agency compliance plan required under
2 Section 6 of the Business Enterprise for Minorities,
3 Women, and Persons with Disabilities Act.

4 (3) The Commission shall exercise the authority and
5 duties provided to it under Section 5-7 of the Illinois
6 Procurement Code.

7 (4) The Commission, working with State agencies, shall
8 provide support for diversity in State hiring.

9 (5) The Commission shall supervise the implementation
10 and effectiveness of supplier diversity training of the
11 State procurement workforce.

12 (6) Each January, and as otherwise frequently as may
13 be deemed necessary and appropriate by the Commission, the
14 Commission shall propose and submit to the Governor and
15 the General Assembly legislative changes to increase
16 inclusion and diversity in State government.

17 (7) The Commission shall have oversight over the
18 following entities:

19 (A) the Illinois African-American Family
20 Commission;

21 (B) the Illinois Latino Family Commission;

22 (C) the Asian American Family Commission;

23 (D) the Illinois Muslim American Advisory Council;

24 (E) the Illinois African-American Fair Contracting
25 Commission created under Executive Order 2018-07; and

26 (F) the Business Enterprise Council for

1 Minorities, Women, and Persons with Disabilities.

2 (8) The Commission shall adopt any rules necessary for
3 the implementation and administration of the requirements
4 of this Act.

5 (9) The Commission shall exercise the authority and
6 duties provided to it under Section 45-57 of the Illinois
7 Procurement Code.

8 (10) The Commission is responsible for completing
9 studies as required by Section 35-15 of the Illinois
10 Community Reinvestment Act.

11 (11) The Commission shall exercise the authority and
12 duties provided to it under the Best Interest of the State
13 Act.

14 (Source: P.A. 102-29, eff. 6-25-21; 102-671, eff. 11-30-21;
15 103-865, eff. 1-1-25; 103-959, eff. 1-1-25; revised 11-26-24.)

16 (Text of Section after amendment by P.A. 103-961)

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6 Commission created under Executive Order 2018-07; and

7 (F) the Business Enterprise Council for
8 Minorities, Women, and Persons with Disabilities.

9 (7.5) The Commission shall have oversight over the
10 collection of supplier diversity reports by State agencies
11 to the extent that those agencies are required to collect
12 supplier diversity reports. This oversight shall include
13 publishing, on the Commission's website, a copy of each
14 such supplier diversity report submitted to a State agency
15 and may include conducting an annual hearing with each
16 State agency to discuss ongoing compliance with supplier
17 diversity reporting requirements. The Commission is not
18 responsible for ensuring compliance by the filers of
19 supplier diversity reports to their respective agencies.
20 The agencies subject to oversight by the Commission and
21 the relevant voluntary supplier diversity reports include
22 the following:

23 (A) the Health Facilities and Services Review
24 Board for hospitals;

25 (B) the Department of Commerce and Economic
26 Opportunity for tax credit recipients under the

1 Economic Development for a Growing Economy Tax Credit
2 Act;

3 (C) the Illinois Commerce Commission for utilities
4 and railroads;

5 (D) the Illinois Gaming Board for casinos; and

6 (E) the Illinois Racing Board for race tracks.

7 (7.6) The Commission may hold public workshops focused
8 on specific industries and reports to collaboratively
9 connect diverse enterprises with entities that manage
10 supplier diversity programs. These workshops may be
11 modeled after Illinois Commerce Commission hearings for
12 utilities and railroads that include a collaborative
13 discussion of filed supplier diversity reports.

14 (8) The Commission shall adopt any rules necessary for
15 the implementation and administration of the requirements
16 of this Act.

17 (9) The Commission shall exercise the authority and
18 duties provided to it under Section 45-57 of the Illinois
19 Procurement Code.

20 (10) The Commission is responsible for completing
21 studies as required by Section 35-15 of the Illinois
22 Community Reinvestment Act.

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24 duties provided to it under the Best Interest of the State
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26 (Source: P.A. 102-29, eff. 6-25-21; 102-671, eff. 11-30-21;

1 103-865, eff. 1-1-25; 103-959, eff. 1-1-25; 103-961, eff.
2 7-1-25; revised 11-26-24.)

3 Section 995. No acceleration or delay. Where this Act
4 makes changes in a statute that is represented in this Act by
5 text that is not yet or no longer in effect (for example, a
6 Section represented by multiple versions), the use of that
7 text does not accelerate or delay the taking effect of (i) the
8 changes made by this Act or (ii) provisions derived from any
9 other Public Act.

10 Section 997. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 999. Effective date. This Act takes effect January
13 1, 2026.".